

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GERARD PUGH,	:	
	:	
Petitioner,	:	
	:	
VS.	:	
	:	
Chairperson ALBERT MURRAY, <i>et al.</i> ,	:	NO. 5:14-CV-91 (MTT)
	:	
Respondents.	:	<u>ORDER</u>

Before the Court is Petitioner **GERARD PUGH’S** “Motion for Reconsideration Mandamus” (Doc. 10). Petitioner asks this Court to reconsider its March 18, 2014 Order (Doc. 6) dismissing his habeas corpus petition as second or successive.

As the Court noted in the above Order, Petitioner must obtain permission from the Eleventh Circuit Court of Appeals before filing a successive habeas petition in the District Court. Apparently to avoid this result, Petitioner submitted a cover letter with his motion, in which he states, “This is not a H[abeas]s Corpus Petition, this is a Mandamus Petition, one comp[ell]ing another to perform a duty they have the right or authority to do.” In contrast to said letter, Petitioner makes no request for mandamus relief. He instead seeks his release from prison, which is the paradigm habeas corpus relief. ***See Preiser v. Rodriguez***, 411 U.S. 475, 500 (1973) (habeas corpus is the sole remedy available to prisoners challenging the duration of confinement and seeking immediate release). Moreover, even if the instant action were deemed a mandamus, this Court lacks authority to compel action by the state officials whom he has sued. ***See Moye v. Clerk, DeKalb***

County Superior Court, 474 F.2d 1275, 1275-76 (5th Cir.1973).

Petitioner's motion to reconsider is accordingly **DENIED**. As stated in this Court's March 18th Order, if Petitioner should obtain permission from the Eleventh Circuit to file a successive habeas petition, he should file that petition in the Southern District of Georgia.

SO ORDERED, this 2nd day of April, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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